IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 11197 of 2004

Between:
Smt. V.Vimala W/o Ramulu
Plot No.172C, Eshwarpuri Colony, Kapra Village, Rangareddy district
..... PETITIONER

AND
1 The Principal Secretary to Government Municipal Administration, Urban Development Department AP. Secretariat, Hyderabad
2 The Commissioner Kapra Municipality R.R.District .
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court mayl be pleased to to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the that the action of the 2nd respondent in issuing notice no. P.C . G/UCR/III/12/2004-2005, dt. 10/06/2004 and Notice P.C.No.G/UCR/12/II/2004-2005, dt. 18/06/2004 to the petitioner herein under the guise of violation of building rules and threatening demolition of the constructed residential house, as illegal, unjust, contrary to law in violation of principles of natural justice and contrary to the deemed permission (oral permission) accorded by the officers of the 2nd respondent office and declare the said notices as null and consequently direct the 2nd respondent and their officials not to interfere with the peaceful living of the petitioner in her residential house Plot No. 172-C Eshwaripuri Colony, Kapra village, Rangareddy district and grant such other and further releif as this Hon'ble Court may deem fit and proper in the circumstances of this case.

Counsel for the Petitioner:MR.M.RAVINDRA BABU

Counsel for the Respondents: GP FOR MUNCIPAL ADMN. &

URBAN DEV.

The Court at the stage of admission made the following :

-

ORDER

Heard the learned counsel for the petitioner and learned standing counsel for the second respondent.

When the writ petition is taken up for admission, learned counsel for the petitioner seeks permission of this Court to file an appeal before the Municipal Council under Section 345 and also under the provisions of A.P. Urban Areas (Development) Act, 1975 as against the impugned notice issued by the Commissioner-the second respondent herein.

Having regard to the fact that as against the impugned order dated 18.6.2004 passed by the commissioner-the second respondent herein, a statutory appeal lies to the Municipal Council under Section 345 of the A.P. Municipalities Act, the petitioner is permitted to file an appeal before the Municipal Council within three weeks from the date of receipt of a copy of this order. On filing of such appeal, the Municipal Council shall consider and dispose of the same expeditiously. Till the appeal is disposed of by the Municipal Council, status quo obtaining as on today with regard to the constructions shall be maintained. It is made clear that the petitioner shall not make any further constructions and the respondents shall not demolish the existing constructions.

The writ petition is accordingly disposed of. No order as to costs.

_____

A. GOPAL

REDDY. J.
28th September, 2004
Note: A copy of the order may be
Marked to the Municipal Council,

Kapra Municipality, R.R. District.
(B/o)
tsr.

To

1 The Principal Secretary to Government Municipal Administration, Urban Development Department AP. Secretariat, Hyderabad
2 The Commissioner Kapra Municipality R.R.District
3 Two CCs to Government Pleader for Municipal Administration and Urban Development, High Court Buildings, Hyderabad. (OUT).
4 Two CD copies.